

MINUTES OF MEETING
DAGSBORO TOWN COUNCIL
BETHEL CENTER – 28307 CLAYTON STREET
MONDAY – SEPTEMBER 23, 2013

The regular meeting of the Town Council was called to order at 7p.m. by Patti Adams, Mayor. Those in attendance were Mayor Adams, Stacey Long, Town Administrator; Vice Mayor Truitt, Councilman Connor, Councilwoman Flowers, Councilman Hansken, Sgt. Litten of Dagsboro PD and those as listed on the sign in sheet.

New Business:

1. Consideration of request for sign variance for Indian River High School property: Ruth Ann Marvel of the Indian River High School Alumni Association stated that funding in the form of contributions was available and plans were being made to place a sign in front of the Indian River High School on the Armory Road side of the property. The high school property is currently zoned Residential and code section 275 denotes an exemption for educational institutions. IRHS would be exempt from sign regulations although a permit is still required and the size and style of sign would still be subject to council approval. The Alumni Association meets again on the 21st of October and at that time should be able to determine a more specific sign size and style and Ruth Ann would come back to the council meeting on the 28th with that proposal from the Alumni for the sign.
- 2 Review and consideration of Water Tank Maintenance program: Presentation of Elevated Water Tank condition. Rich Skilton from Southern Corrosion gave a brief synopsis of the North Carolina, family owned and operated business since its beginning in 1983. The program is a full service all inclusive water tank maintenance program from the ground up. His review of the tank is consistent with the condition of a system with approximately one-half of its life expectancy remaining, 7 years thru a 15 year system. Emergency service, regularly scheduled wash outs and interior/exterior cleanings, fully insured work, pollution insurance and interior/exterior visual inspections, are only a part of what they offer. The price is for any and all existing conditions. The first year there would be a washout since the tank was rebuilt when installed back in 2006 and since the visual inspections indicate no problems to speak of the only other things addressed at this time would be to install a ladder gate. The ladder is 18' off the ground but there is nothing around it to keep someone from accessing it should they be able to reach that height, the proposed gate is 8' high and surrounds the bottom of the ladder and a padlock for the roof hatch on top of the tank as there is not a ladder on the inside of tank. The annual premium would be \$16,914 with no projected increase other than CPI increases. During the second year of the contract the exterior of the tank would be pressure washed, sanded and painted with poly paint with anti-mildew properties. The overall condition of the tank, overflow, struts and rods appear in good condition. The seams on the bottom however, are starting to show rust as they were probably not over coated in 2006 and just received 1 coat of paint. The catwalks need to have some additional holes drilled so that water can drain better as rust is starting to show on them from the rain puddling there. The hatch, vents and ladder are all OK. The third and fourth years of the contract would be visual inspections, year five would contain a washout, years six, seven and eight would be visual, year 9 would contain an interior inspection with sandblasting and

painting on sides and bottom. This program is AWWA approved. The first 2 years of the contract the cost of the work done would actually be in excess of the amount of the premium and if the policy were to be cancelled prior to 5 years, the cancellation would result in a prorate penalty. Kyle Gulbranson, commented that this is certainly something that the town should consider as the time for maintenance work to be done is not so far in the future. Stacey reported that although this expense was projected in the current budget the Water fund does have money available to cover such a project. Attorney Witsil would like to have time to review the contract so that a vote could be made at the next council meeting.

- 3 Consideration of purchasing new Burner Assembly for the furnace due to flooding in the basement of town hall: The cost of the complete burner assembly is \$1118.29 which is parts and materials there is no charge for labor as we have service contract with Blades HVAC. The problem with flooding has been addressed and Bob has repositioned the Sump Pump in a position that is lower than that of the floor. A motion was made by Vice-Mayor Truitt to order the complete burner assembly for the auxiliary heater in the basement and seconded by Councilman Hansken . All in favor. Motion carried.
- 4 Consideration of changing the Katie Helm Town Park to be a carry in/carry out park for all trash and to remove the trash cans from the Park: Bob Flowers, the town maintenance man has asked the town to consider removing the trash cans from the park, making it a carry in/carry out facility due to the amounts of trash left beside a trash can when it is full instead of putting the extra in the next can only a short distance away and also when it rains, water collects in the can because it can't drain out. Frankford has 3 rolling cans which are supplied by the trash company that are kept in the park and once a week the night before pick up the town places the cans outside the gate at the park so they can be emptied. Ocean View has 2 fixed cans that are checked every other day and Millsboro has fixed cans that are checked daily. The town currently has 2 rolling cans at town hall so we can move 1 to the park to see if this helps the problem.

Water Department:

1. Presentation of Water Report: Stacey met with Dagsboro Electric and Plumbing on July 19th at Savannah Square to discuss backflow problems and the need for check valves to be installed. Dagsboro Electric and Plumbing has since met with Rick from URS for clarification of the requirements and we are waiting for Dagsboro Electric and Plumbing to get back to us with a quote.
2. Mandatory water connection 28401 Clayton Street: The bank will be taking possession of Chapel Crossings development and possibly other properties owned by the developer. This may include 28401 Clayton Street. We need to get the correct information before spending time and money unnecessarily. This will be placed on the agenda for next month when we will have better information and maybe able to set a course of action then.
3. Consideration of purchasing automatic hydrant flushers to help improve water quality on dead end lines: The 9700 auto flusher is a portable device that can be moved from location to location to take care of issues in different areas as the needs arise. We have been using the auto flusher on loan from Delaware Rural Water but it would be to our advantage to have our own as we almost always are receiving complaints from Piney Neck Road and Helm Street residents about water quality. DWRA comes out and hooks up the auto flushers without a charge but if we had our own they would certainly be able to train Bob and or Stacey in their

hookup and operation. 4 #9700 auto flushers are \$8,269.20, and that price includes the de-chlorination basket, sample point bib and the lock. Even though we have 4 dead end lines, the complaints are primarily coming from only 2 of these areas. The town could always purchase additional auto flushers should the need arise. A motion was made by Councilman Connor to purchase 2 of the #9700 portable auto flushers and seconded by Vice-Mayor Truitt. All in favor. Motion carried.

Police Department:

1. **Presentation of Police Report:** Monthly summary of the Police Department was given by Sgt. Litten. Highlights of the month included an arrest by Sgt. Litten of a Bodies employee for internal theft in excess of \$6000.00. Cpl. Ober made several arrests 1 for offensive touching, which turned into other additional charges. 2 traffic stops resulting in subsequent illegal prescription drug possession, and the arrest and apprehension of a local fugitive for DSP. Ofc. Kurten seized illegal drug paraphernalia resulting from a traffic stop. There is an ongoing investigation with the Federal Strike Force, concerning illegal drug dealing and paraphernalia at a house just outside of town limits. Currently there have been 3 logs of heroine, marijuana, cocaine and cash confiscated and there may be \$500.00 coming to the town. The person has been incarcerated and already has been released and is back in business. Ofc. Huff submitted his resignation to the town as of August 24, 2013, and we are currently soliciting new recruits. This will be discussed at more length during our executive session.
2. **Consideration of purchasing new police vehicles:** After the council had reviewed the options of either 4 or 5 year financing it was decided that the best option for the town in purchasing the 2 new vehicles is option 1 which is 4 years and payments made quarterly. A motion was made by Vice-Mayor Truitt to accept the 4 year financing option with quarterly payments and seconded by Councilman Connor. All in favor. Motion carried.

Administrative/Financial/Code Enforcement:

1. **Presentation of Administrative Report:** Stacey reported that Mr. Daniels was contacted as to why he did not appear at last month's council meeting regarding his request for an auction at the old Dagsboro Food Rite property and he said the reason he did not attend was that he had already found another location for his sale. Stacey said there have been many inquiries into several different properties around town this month. The first being 33225 Main Street, the King property. The calls were in reference to permitted uses, possible demolition, apartments and commercial uses at that location. 29118 Piney Neck Road, the old Cooper Bearing building, possible use inquiries were a wine/coffee shop, restaurant, events hall, artist colony and storage facility. Hudson and Waples Street, Sussex Automotive building, a heating and air conditioning company is interested in that location with possible renovations. Copies of the code were provided to all parties as it pertained to their requests for information. Stacey informed the council that the health insurance provider had contacted the town in regards in an early renewal from March 2014 to December 2013 of the health insurance with a 9 month extension at existing rates, as the effects of Obamacare are uncertain as it pertains to renewal rates for employers. A motion was made by Vice-Mayor Truitt to take advantage of the early renewal of health insurance for the town's employees at the current rates and seconded by Councilman Connor. All in favor. Motion carried.
2. **Presentation of Treasurer's Report:** General checking \$160,445.60, Public Service Money Market \$3,954.78, Police Grant account \$4,278.79, Property Transfer account \$26,908.47 and

3 CD'S of \$27,881.69, \$46,738.25 and \$5,091.38. MSA the grant money has been received \$19,425.35 and this year none of the money has been restricted for actual street repairs so that should help with the end of year shortfall funds to pay utility bills. PGCC checking, \$114.63, savings, \$5,364.92 and 3 CD'S of \$32,693.51, \$44,672.84 and \$31,721.74. SALLE/EIDE \$1,463.36. Water checking \$55,638.71, Impact fee account \$184,064.66 and reserve account \$34,634.02. Councilman Hansken asked if any of the money taken from the CD's last year had been replaced yet, the answer is no due to the fact that the tax increase was not to create a surplus but only get the town to a breakeven point in operations. Stacey also provided a year to date budget analysis from July 1st to September 16th the town has had total revenue of \$219,992.00 and total expenditures of \$98,059.00 leaving at this time a difference/surplus of \$121,993 to be used in the current year. The Public Service account has received \$3,000.00 with \$2.00 in interest thus far of the projected \$6,000 in the budget. The Property Transfer account has received \$1,982.00 of the projected \$12,800.00 with expenditures of \$1,137.00 leaving a difference of \$846.00. Motion made by Councilwoman Flowers and seconded by Vice-Mayor Truitt to accept treasurer's report. All in favor. Motion carried.

3. Presentation of Building Official & Code Enforcement Report: Stacey has issued 21 certificates of completion, mostly older ones that needed to be closed out, and 5 certificates of occupancy, 3 older ones and 2 current, 1 for a new house and deck in Prince Georges Acres and 1 for the fit out for Jayne's Reliable on Main Street.
4. Consideration of proceeding with utilizing the DELJIS system to assist in the enforcement of Town Codes: Stacey has been in contact with Jerry Butler from Bridgeville who has been very helpful in explaining the system they have which uses DELJIS. She has the opportunity to go and sit with them and see the operation of the system should the Town desire to do so. The Code Enforcement Official issues the citation/summons \$100 for the first offense and \$250 for subsequent offenses, to the property owner listing the TMP#, last known address, Code violation section #, fine amount, options regarding either payment of the fine to the town or appearing in court and give information as to a notice of appeal. Should the owner choose payment to the town and then defaults on this payment arrangement then a warrant for arrest would be issued and the matter would go to court before a judge. According to Sgt. Litten there is no cost to the town for going thru the DELJIS system as they are a State agency. Attorney Witsil stated that a change would need to be done to the town charter if this were to take place as the town currently addresses only criminal offenses where these would be civil offenses and also consider whether or not the fees are adequate for the charges. It was felt by the council as a whole that this needs to be pursued as the process that the town uses currently is in need of improvement. Attorney Witsil will meet with Stacey and fine tune this matter before the next meeting.
5. Correspondence: A copy of the letter that was sent to DelDOT regarding the town's position on the Rt 113 North/South Study was in each council member's packet. A letter was received from Parks & Rec, congratulating the town on the successful completion of DTF#11135 for the work done in Katie Helm Park, of the picnic pavilion, pathways, benches and other items stating also that these must always be available to the public for their use. At this time all projects for the park have been completed. A review from the Delaware Botanic Gardens, the project was presented to the Sussex County Council and met with mixed reviews as to the fact that it is to be located in the "Land Trust" whether or not those lands should be developed or kept undeveloped, even for this type of project, no decision was made by the county council and will be addressed at a later time after they have had time for review. Mayor Adams, interjected that DelDOT would certainly need to do a traffic impact study for the local area as Piney Neck Road is very narrow and although, not in town limits, is just outside our

jurisdiction and the Town would be impacted by the traffic associated with this project. We need to keep up with the DelDOT proposed recommendations.

Prince George's Chapel Cemetery:

1. Presentation of Cemetery Report: There is no report to be given
2. Consideration of survey quotes for town owned portion of the cemetery
TMP#2-33-11.00-128.00, 2-33-11.00-130.00: There were 3 bids received for survey work at the cemetery. Miller & Lewis \$757.50, True North \$850.00 and Simpler Surveying \$1,400.00 all of which include the brick wall and fence areas on the property. Miller & Lewis has done work for the town before in Katie Helm Park and they have a current business license. A motion was made by Vice-Mayor Truitt to accept the bid from Miller & Lewis for a survey of the lands, wall and fence areas of Prince George's Chapel Cemetery, and seconded by Councilman Connor. All in favor. Motion carried.

Approval of Minutes: August 26, 2013 – Town Council Meeting Motion made by Councilman Connor and seconded by Councilman Hansken to accept minutes of August 26, 2013 meeting.

Adjournment: A motion was made at 9:10 p.m. by Vice-Mayor Truitt to recess into Executive Session and seconded by Councilman Hansken. All in favor. Motion carried.

Regular Session: A motion was made at 10:19 by Vice-Mayor Truitt to reenter into Regular Session and seconded by Councilman Connor. All in favor. Motion carried.

1. Consideration of voting on any matters discussed in Executive Session: Council stated that they will be holding a special Executive Session meeting on October 9, 2013 to interview the three remaining applicants for the police department. The meeting will begin at 6:00 p.m. with Council entering into Executive Session. After the interviewing process is complete, they will enter into Regular Session for a possible vote on hiring a police officer.

Adjournment: A motion was made at 10:20 p.m. by Councilman Connor to adjourn and seconded by Vice-Mayor Truitt. All in favor. Motion carried

Respectfully Submitted

Duane Kenton

Town Clerk